IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20227 of 2019

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Nilima Kumari, wife of Sri Sudhir Kumar Sinha, resident of A/404, Quality Campus, Lohiya Path, Jagdeo Path, P.S. Airport, town and district- Patna.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Indira Bhawan, Patna.
2. The Director, Directorate of Integrated Child Development Scheme (for short ICDS), Bihar, Patna.
3. The Divisional Commissioner, Magadh Division, Gaya.
4. The District Programme Officer, Social Welfare Department, Jehanabad.
5. The Child Development Project Officer, Social Welfare Department, Kako, Jehanabad.
6. The District Provident Fund Officer, Jehanabad.
7. The Treasure Officer, Jehanabad.
8. The Accountant General (A and E), Bihar, Birchand Patel Path, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar, Adv
For the Respondent/s	:	Mr. Gyan Prakash Ojha (G. A. 7)
For the Accountant General		Mr. Ran Nandan Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

13 07-01-2021 Heard learned counsel for the petitioner, learned G.A.-7 for the State and learned counsel for the Accountant General.

The petitioner has filed the instant application for a direction to the respondent nos. 1 and 2 to sanction and release pension, gratuity, leave encashment and group insurance. The petitioner has also prayed for a direction to the Divisional Commissioner, Gaya to consider the case of the petitioner for grant of three financial progression under MACP scheme 2010 and to pay consequential difference of salary thereto.

Without going into the details of the case of the parties and the different counter affidavits filed, it may be stated here that in the 4th supplementary counter affidavit filed on behalf of the District Provident Fund Officer, Jehanabad, it has been stated that the entire admitted retiral dues of the petitioner have been paid. It is further stated that so far as grant of ACP/MACP is concerned, a letter no. 213 dated 3.7.2020 (Annexure-F to the 4th Supplementary counter affidavit of respondent no. 6) was given to the petitioner stating therein that he should file the fixation and income tax statement, the filing of which was a must for the purpose of grant of benefit under the ACP.

In response, it is submitted by learned counsel for the petitioner that although a reply to the said counter affidavit has not been filed, he has instructions to the effect that the said statement of income tax has already been filed before the Child Development Project Officer, Kako, Jehanabad.

Having heard learned counsel for the parties and in view of the submissions made on behalf of the parties, this writ application is disposed of with a direction to the petitioner to once again file a copy of the fixation and income tax statement as required and asked for by the aforesaid letter dated 3.7.2020 (Annexure-F) before the respondent no. 5 within a period of three months along with a copy of this order.

On receipt of the aforesaid documents, the Child Development Project Officer, Social Welfare Development, Kako, Jehanabad shall provide to the petitioner the financial benefits as a result of grant of ACP within a period of three months from the date of filing of the aforesaid documents.

The writ application stands disposed of with the aforesaid observations and directions.

(Partha Sarthy, J)

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